

LAVIN, COLEMAN, O'NEIL, RICCI, FINARELLI & GRAY

BY: Edward T. Finch, Esquire

Identification No. 83692

510 Walnut Street, Suite 1000

Philadelphia, PA 19106

(215) 627-0303

CHARLES H. HARTMANN, Executor of the  
Estate of CLARISE A. HARTMANN and in his own  
right

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

APRIL TERM, 2002

V.

NO. 2774

AC&S, Inc., ET AL.

**PRAECIPE TO FILE NOTICE OF REMOVAL**

**TO THE PROTHONOTARY:**

Kindly file the attached Notice of Removal in the above-captioned matter.

Respectfully submitted,

LAVIN, COLEMAN, O'NEIL, RICCI,  
FINARELLI & GRAY

BY: 

Edward T. Finch, Esquire  
Attorney for Defendants,  
DaimlerChrysler Corporation,  
Ford Motor Company and  
General Motors Corporation

**BWK**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

CHARLES H. HARTMANN, Executor of the  
Estate of CLARISE A. HARTMANN and in his  
own right

CASE NO. 02cv-2967

V.

DAIMLERCHRYSLER CORPORATION  
FORD MOTOR COMPANY  
GENERAL MOTORS CORPORATION  
FEDERAL-MOGUL GLOBAL, INC.

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**NOTICE OF REMOVAL**

Defendants DaimlerChrysler Corporation, Ford Motor Company and General Motors Corporation (the "automobile manufacturers") hereby give notice of the removal to the United States District Court for the Eastern District of Pennsylvania of the claims which have been asserted against them in the action captioned Charles H. Hartmann, Executor of the Estate of Clarise A. Hartmann and in his own right v. AC&S, Inc., et al. now pending in the Court of Common Pleas of Philadelphia County, at No. 0204-2774. This Notice of Removal is filed pursuant to 28 U.S.C. § 1452(a), and as grounds for removal the automobile manufacturers state the following:

1. The action of which the removed claims are a part was commenced in the Court of Common Pleas of Philadelphia County.
2. The removed claims are those for personal injury or wrongful death asserted against the automobile manufacturers on the basis of alleged exposure to certain of their asbestos-containing products, including brakes and other automotive parts, manufactured for the automobile

manufacturers by Federal-Mogul Global, Inc., or companies that it purchased, one or more of which is a co-defendant of the automobile manufacturers.

3. On October 1, 2001 Federal-Mogul Global, Inc. filed a voluntary petition for protection under Chapter 11 of the United States Bankruptcy Code, commencing bankruptcy case number 01-10578 (the "Federal-Mogul Bankruptcy Case") currently pending in the United States Bankruptcy Court for the District of Delaware.

4. The removed claims may be removed to this Court pursuant to 28 U.S.C. § 1452(a): (i) the removed claims are asserted in a civil action not exempt from removal; and (ii) the Court has jurisdiction of the removed claims under 28 U.S.C. § 1334. All claims asserted against the Removing Defendants are related to the Federal-Mogul Bankruptcy Case, and the continued prosecution, outcome at trial or other resolution of the claims will have an effect on the administration of the Federal-Mogul Bankruptcy Case.

5. Removal to this Court is timely pursuant to Federal Rule of Bankruptcy Procedure 9027(a)(3) in that the Federal-Mogul Bankruptcy Case was pending when the removed claims were asserted on or after October 1, 2001 and in that this notice has been filed within 30 days of receipt by one or all of the automobile manufacturers of a copy of the initial pleading setting forth the removed claims.

6. Upon removal, the proceedings with respect to the removed claims are non-core. The automobile manufacturers do not consent to entry of a final order or judgment by the bankruptcy judge to the extent the bankruptcy court is authorized to hear or determine such claims consistent with 28 U.S.C. § 157(b)(5).

7. The purpose of removal is to facilitate transfer of the removed claims to the United States District Court for the District of Delaware, the district court presiding over the Federal-Mogul Bankruptcy Case, to resolve on a consolidated basis the common threshold scientific issues concerning whether brakes and other automotive parts cause disease. *See, e.g., In re Dow Corning Corp.*, 1995 W.L. 495978, at \*2 (Bankr. E.D. Mich. Aug. 9, 1995) (personal injury tort claims transferred to bankruptcy court pursuant to 28 U.S.C. § 157(b)(5) to resolve threshold scientific issues concerning whether silicone breast implants caused disease after removal to federal court pursuant to 28 U.S.C. § 1452(a)).

8. On November 20, 2001, the automobile manufacturers filed in the Federal-Mogul Bankruptcy Case a motion pursuant to 28 U.S.C. § 157(b)(5) to transfer this and all other claims related to brakes and automotive parts for consolidated resolution of the threshold scientific issues concerning whether brakes and other automotive parts cause disease.

9. On December 10, 2001 the Honorable Alfred M. Wolin issued the attached Order provisionally transferring pursuant to 28 U.S.C. § 157(b)(5) the claims asserted against the automobile manufacturers to the United States District Court for the District of Delaware.

10. On January 3, 2002, Judge Wolin issued a letter opinion and order reiterating that all asbestos friction claims against the automobile manufacturers pending in federal courts as of December 10 had been transferred, and ordering any claims removed after December 10 transferred as well. A copy of the Order and Opinion are attached to this Notice.

11. On February 8, 2002, the Honorable Alfred M. Wolin denied the "Motions to Transfer the 'Friction Claims'" and simultaneously remanded the friction products claims. Attached hereto is a copy of said Order.

12. However, on February 11, 2002, the United States Court of Appeals for the Third Circuit granted a Temporary Stay of Judge Wolin's February 8, 2002 Court Order so that the matter could be considered by a three-judge panel of that court. Attached hereto is a copy of said Order.

13. The Removing Defendants file this Notice of Removal to adequately protect the interests of Removing Defendants and to facilitate transfer of these claims to the United States District Court for the District of Delaware pursuant to Judge Wolin's provisional transfer order.

14. The automobile manufacturers will comply with 28 U.S.C. § 1446(d) by promptly giving notice of the filing of this Notice of Removal to all adverse parties to the action pending in the state court and filing a copy of this Notice of Removal with the prothonotary of the Court of Common Pleas of Philadelphia County.

Respectfully submitted,

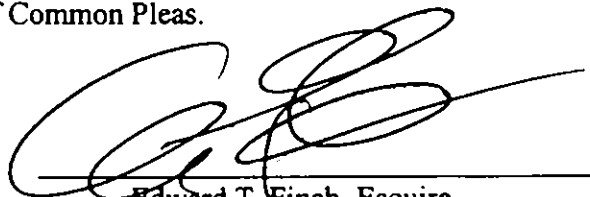
LAVIN, COLEMAN, O'NEIL, RICCI,  
FINARELLI & GRAY

BY: 

Edward T. Finch, Esquire  
Attorney for Defendants,  
DaimlerChrysler Corporation,  
Ford Motor Company and  
General Motors Corporation

**CERTIFICATE OF SERVICE**

I, Edward T. Finch, Esquire, hereby certify that pursuant to 28 U.S.C. § 1446(d) written notice of the removal of this action will be promptly given to all adverse parties and a copy of the Notice of Removal will be filed with the Court of Common Pleas.



Edward T. Finch, Esquire

**FOR THE EAST**  
the case for the

Address of P

**Defendants (Names and Addresses):**

Ad<sup>r</sup> DaimlerChrysler Corporation  
1000 Chrysler Drive  
Auburn Hills, MI 48326-2766

Ford Motor Company  
Parklane Towers West  
Suite 1500  
Three Parklane Boulevard  
Dearborn, MI 48126-2568

General Motors Corporation  
400 Renaissance Center  
P.O. Box 400  
Detroit, MI 48265-4000

Federal-Mogul Global, Inc., individually and/or as parent company, successor in interest, or indemnitor to or of:

Fel-Pro, Inc.,

Ferodo America, Inc.,

Gasket Holdings, Inc., formerly known as Flexitallic Gasket Company,

Moog Automotive Inc., formerly known as Wagner Electric Corporation,

Pneumo Abex Corp., or

T&N plc.

2655 Northwestern Highway  
Southfield, MI 48034

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

JAMES A. ROCKS, JR. and JUDITH ROCKS, his wife

CASE NO.

V.

DAIMLERCHRYSLER CORPORATION  
FORD MOTOR COMPANY  
GENERAL MOTORS CORPORATION  
FEDERAL-MOGUL GLOBAL, INC.

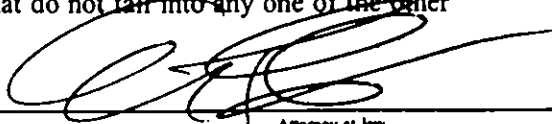
In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See §1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2441 through §2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 8. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. (X)
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

May 23, 2002

(Date)



Attorney-at-law

Edward T. Finch, Esquire

Attorney For

DaimlerChrysler Corporation, Ford Motor Company and General  
Motors Corporation

(Civ. 660)

12/91



## CIVIL COVER SHEET

JS44

(Rev. 12/96)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I (a) PLAINTIFFS**

Charles H. Hartmann, Executor of the Estate of Clarise A. Hartmann and in his own right

**DEFENDANTS**

SEE ATTACHED

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**

James T. Fitzgerald, Esquire  
Law Offices of Peter G. Angelos, P.C.  
The Wanamaker Building - 100 Penn Square East  
Philadelphia, PA 19107  
(215) 963-9333

**ATTORNEYS (IF KNOWN)**

Lavin, Coleman, O'Neil, Ricci, Finarelli & Gray  
Penn Mutual Tower  
510 Walnut Street - Suite 1000  
Philadelphia, PA 19106  
(215) 627-0303

**II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)**

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)**

- |   |                                |                                |   |                                |                                |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State                   | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2     | <input type="checkbox"/> 2     | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5     | <input type="checkbox"/> 5     |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3     | <input type="checkbox"/> 3     | Foreign Nation  | <input type="checkbox"/> 6     | <input type="checkbox"/> 6     |

**IV. CAUSE OF ACTION**

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Action for personal injury for asbestos exposure against Federal-Mogul Global, Inc., or companies it purchased and removing defendants, removed pursuant to 28 U.S.C. § 1452(a).

<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instruments <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability  <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input checked="" type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability  <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights  <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 520 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Other	<b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC §§1 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>BANKRUPTCY</b> <input type="checkbox"/> 442 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (139ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DFWC/DFWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
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**VI. ORIGIN**

- (PLACE AN x IN ONE BOX ONLY)
- |  |   |  |   |  |   |  |
|--|---|--|---|--|---|--|
| <input type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|--|---|--|---|--|---|--|

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A  
☐ UNDER P.R.C.P. 23

**CLASS ACTION****DEMAND \$**

In Excess of \$50,000.00

Check YES only if demanded in complaint:

**JURY DEMAND** ☒ YES ☐ NO**VIII. RELATED CASE(S) (See instructions): IF ANY**

JUDGE

DOCKET NUMBER

01-CV-5981

DATE

SIGNATURE OF ATTORNEY OF RECORD

May 23, 2002

Edward T. Finch, Esquire

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**Defendants (Names and Addresses):**

DaimlerChrysler Corporation  
1000 Chrysler Drive  
Auburn Hills, MI 48326-2766

Ford Motor Company  
Parklane Towers West  
Suite 1500  
Three Parklane Boulevard  
Dearborn, MI 48126-2568

General Motors Corporation  
400 Renaissance Center  
P.O. Box 400  
Detroit, MI 48265-4000

Federal-Mogul Global, Inc., individually and/or as parent company, successor in interest, or indemnitor to or of:

Fel-Pro, Inc.,

Ferodo America, Inc.,

Gasket Holdings, Inc., formerly known as Flexitallic Gasket Company,

Moog Automotive Inc., formerly known as Wagner Electric Corporation,

Pneumo Abex Corp., or

T&N plc.

2655 Northwestern Highway  
Southfield, MI 48034

LAW OFFICES OF PETER G. ANGELOS, P.C.  
 Firm I.D. #99975  
 James T. Fitzgerald, Esquire  
 PA S. Ct. I.D. No. 43178  
 Mark A. Kowit, Esquire  
 PA S. Ct. I.D. No. 57793  
 The Wanamaker Building  
 100 Penn Square East  
 Suite 1050, Tenth Floor  
 Philadelphia, Pennsylvania 19107  
 (215) 963-9333

Charles H. Hartmann, Executor of the : IN THE COURT OF COMMON  
 Estate of Clarise A. Hartmann and in : PLEAS OF PHILADELPHIA  
 his own right : COUNTY, PENNSYLVANIA  
 757 Beech Avenue  
 Glenolden, PA 19036

**ATTEST**

TERM,

APRIL 2002

Plaintiffs, : NO.  
 : COMPLAINT  
 : PERSONAL INJURY  
 : ACTION -  
 Defendants :  
 : ASBESTOS - 2090  
 : JURY TRIAL DEMANDED

V.

AC&S, Inc., et al.,

Defendants

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION  
 LAWYER REFERRAL AND INFORMATION SERVICE  
 One Reading Center  
 Philadelphia, PA 19107 Telephone:  
 (215) 238-1701

AVISO  
 LE HAN DEMANDADO A USTED EN LA CORTE. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en form excrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE FILADELFA  
 One Reading Center  
 Philadelphia, PA 19107  
 Telefono: (215) 238-1701

~~MARLEASANEWSOME~~  
 PRO. PROTHY

002774

LAW OFFICES OF PETER G. ANGELOS, P.C.

Firm I.D. #99975

Edward P. Monaghan, Esquire

PA S. Ct. I.D. No. 45775

James T. Fitzgerald, Esquire

PA S. Ct. I.D. No. 43178

Mark A. Kowit, Esquire

PA S. Ct. I.D. No. 57793

The Wanamaker Building

100 Penn Square East

Suite 1050, Tenth Floor

Philadelphia, Pennsylvania 19107

(215) 963-9333

Charles H. Hartmann, Executor of \*

the Estate of Clarise A. Hartmann, \*

and in his own right \*

757 Beech Avenue \*

Glenolden, PA 19036 \*

Plaintiffs

VS.

A C & S, Inc. 001

120 N. Lime Street

Lancaster, Pennsylvania 17602

and

ABEX CORPORATION 046

Corporation Service Company

2704 Commerce Drive Suite B

Harrisburg, PA 17110

and

AMCHEM PRODUCTS, INC. 229

c/o C.T. Coporation System

COMMON PLEAS OF  
PHILADELPHIA COUNTY

PENNSYLVANIA

PENNSYLVANIA

TERM,

No.

COMPLAINT -  
PERSONAL INJURY

CIVIL ACTION -

ASBESTOS - 2090

JURY TRIAL DEMANDED

1515 Market Street  
Philadelphia, PA 19109

and

AMERICAN STANDARD, INC. 2251  
c/o C.T. Coporation System  
1515 Market Street  
Philadelphia, PA 19109

and

ATLANTIC RICHFIELD COMPANY 2323  
c./o CT Corporation Systems  
1515 Market Street  
Philadelphia, PA 19103

and

BORG WARNER CORPORATION 155  
c/o CT Corporation System  
1515 Market Street  
Philadelphia, PA 19103

and

B.F. GOODRICH COMPANY 2419  
c/o CT Corporation System  
1515 Market Street  
Philadelphia, PA 19103

and

BRAND INSULATIONS, INC. 057  
c/o C.T. Coporation System  
1515 Market Street  
Philadelphia, PA 19109

and

CLAYTON DUBILIER & RICE 2692 \*  
c/o The Corporation Trust Company \*  
1209 Orange Street \*  
Wilmington, DE 19801 \*

and \*

CLEAVER-BROOKS, INC. 155 \*  
A Division of Aqua-Chem, Inc. \*  
c/o C.T. Coporation System \*  
1515 Market Street \*  
Philadelphia, PA 19109 \*

and \*

DAIMLER CHRYSLER CORPORATION, f/k/a \*  
CHRYSLER MOTORS CORPORATION, f/k/a \*  
CHRYSLER CORPORATION 433 \*  
12000 Chrysler Drive \*  
Detroit, MI 48288-0001 \*

and \*

FORD MOTOR COMPANY 105 \*  
c/o Sidney Kelly \*  
The American Road \*  
Dearborn, MI 48121 \*

and \*

FOSTER-WHEELER CORPORATION 131 \*  
668 5th Avenue \*  
New York, New York 10103 \*

and \*

GENERAL ELECTRIC 164 \*  
3515 Easton Turnpike \*  
Fairfield, CT 06432 \*

and

GENERAL MOTORS CORPORATION 3225  
c/o CT Corporation Trust  
1515 Market Street  
Philadelphia, PA 19103

and

H.B. SMITH COMPANY, INC. 157  
47 Westfield Industrial Park Road  
Westfield, MA 01085

and

HONEYWELL INTERNATIONAL INC. f/k/a  
ALLIED SIGNAL, INC. successor to  
Bendix Corporation 280  
c/o CT Corporation System  
1515 Market Street  
Philadelphia, PA 19103

and

OWENS ILLINOIS, INC. 032  
P.O. Box 1035  
Toledo, OH 43604

and

PFIZER, INC. 102  
235 East 42nd Street  
New York, New York 10017

and

RAPID AMERICAN CORPORATION 4095  
Corporation Service Center  
2704 Commerce Drive  
Suite B  
Harrisburg, PA 17110

and  
UNIROYAL, INC 043  
Uniroyal Holding's Incorporated  
World Headquarters  
70 Great Hill Road  
Naugatuck, CT 06770

and  
VIACOM, INC. succesor by merger to  
CBS CORPORATION f/k/a WESTINGHOUSE  
ELECTRIC I4934  
Gateway #6, 2<sup>nd</sup> Floor  
11 Stanwix Street  
Pittsburgh, PA 15222

and  
WEIL MCLAIN, A DIVISION OF THE  
MARLEY COMPANY, A WHOLLY OWNED  
SUBSIDIARY OF UNITED DOMINION  
INDUSTRIES, INC. 163  
c/o C.T. Coporation System  
1515 Market Street  
Philadelphia, PA 19109

SHORT FORM COMPLAINT

AND NOW comes Charles H. Hartmann, Executor of the Estate of  
Clarise A. Hartmann by and through his attorneys Edward P.  
Monaghan, James T. Fitzgerald, Mark A. Kowit and the Law Offices  
of Peter G. Angelos, P.C. and files this Complaint and in support



thereof avers the following:

1. Plaintiff incorporates by reference Plaintiffs' Master Long Form Complaint in Re: Asbestos Litigation in Philadelphia Court of Common Pleas, filed as of October Term 1986, No. 8610-0001 as though set forth in its complete text. Pursuant to an Order dated July 30, 1986 and signed by the Honorable Richard B. Klein and the Honorable Edward J. Blake the following short form complaint is utilized in this asbestos action.
2. Plaintiff would also name as defendants the Johns-Manville Corporation, the Johns Manville Sales Corporation, UNARCO, Amatex Corporation, Forty Eight Insulators Incorporated, Wallace and Gale Company, Nicolet Industries, Pacor, Inc., Raymark Industries Inc., Raymark Corporation and Raytech, DI Distributors Inc. f/k/a Delaware Insulation Company, Inc., Carey Canada, Celotex Corporation, Eagle Picher Industries, Inc., Keene Corporation, Rock Wool Manufacturing Co., H.K. Porter Company, Inc., Pittsburgh Corning Corporation, Asbestos Claims Management Corporation f/k/a National Gypsum, GI Holdings, Inc. f/k/a GAF Corporation, Owens Corning, Fibreboard Corporation, Armstrong World Industries, Inc., W.R. Grace & Co. - Conn., United States Gypsum Company, U.S. Mineral Products and T&N Plc.; however, each of these potential defendants has filed for relief or been forced into

involuntary bankruptcy under Chapter 11 of the Bankruptcy Code and, pursuant to 11 U.S.C. Section 362, the institution of actions against these companies is stayed. Plaintiffs would have brought suit against the companies enumerated in this paragraph but for the automatic stay.

3. Defendant, Rapid-American Corporation, is a corporation duly organized and existing under the laws of the State of Delaware with its registered agent being in C/O Prentice Hall Corp.

System, 319 Market Street, Harrisburg, Pa. 17101.

4. Defendant, Rapid-American Corporation, is liable to the plaintiffs for all damages caused or substantially caused by asbestos containing products of Philip Carey Manufacturing Corporation and or Philip Carey Manufacturing Company.

5. Rapid-American Corporation and or its predecessors merged with, and explicitly and impliedly assumed the liabilities of, Glen Alden Corporation after Glen Alden Corporation had merged with, and explicitly and impliedly assumed the liabilities of, Philip Carey Manufacturing Corporation.

6. Glen Alden Corporation also formed a subsidiary, Philip Carey Manufacturing Company, which continued to conduct the asbestos business.

7. The corporate relationship between Rapid-American Corporation

and Glen Alden Corporation, and Glen Alden's merger and subsequent formation of a separate asbestos company, as well as Rapid-American's express and implied assumption of all liabilities at every stage of every merger involving a predecessor corporation and Philip Carey Manufacturing Company and Philip Carey Manufacturing Corporation are the basis of Rapid-American Corporation's liability in this matter.

8. At all times material hereto, Philip Carey Manufacturing Company and Philip Carey Manufacturing Corporation mined, manufactured, produced, distributed and sold asbestos products which were used within the Commonwealth of Pennsylvania, including, but not limited to: Hightemp Pipecovering and Block, 85% Magnesia Pipecovering and Block, Air Cell Covering, Fibrous Adhesive Bonding, Careytemp Bonding, 7-m-90 Asbestos Shorts, Insulation Cement, Vitracel Cement (Refractory Finishing), LF 20 Asbestos Cement (long fiber), No. 100 Asbestos Cement (hard finish), No. 303 Asbestos Cement, Asbestos Cement, MW-50 Cement, No. 707 Insulating Cement, Thermotex-B Mastic and asbestos shingles, roofing products and asbestos paper.

9. Defendant, Uniroyal Inc., formerly known as United States Rubber Co., is a corporation duly organized and existing under the laws of the State of New Jersey with its registered agent

being in C/O Prentice Hall Corporation System, 319 Market Street, Harrisburg, PA 17101.

10. At all times material hereto, Uniroyal, Inc., formerly known as United States Rubber Co., manufactured, produced, distributed and sold asbestos containing products which were used within the Commonwealth of Pennsylvania, including but not limited to:

Asbeston yarns, tapes and fabrics. The fabrics were woven into a variety of products not limited to, asbestos containing safety clothing, insulation jacketing and fire blankets.

11. At the direction and control of Clayton & Dubilier, Inc. CDU Acquisition Inc. acquired all outstanding shares of Defendant Uniroyal, Inc.'s common stock in 1985. At that time, CDU Acquisition, Inc. was wholly-owned by Clayton & Dubilier, Inc. Clayton & Dubilier, Inc. changed its corporate name to Clayton Dubilier & Rice, Inc. in or around 1993. Clayton Dubilier & Rice, Inc. is the successor in interest to Clayton and Dubilier, Inc. Clayton & Dubilier, Inc. had acquired Uniroyal, Inc., upon information and belief, for the purpose of dismantling its corporate structure and selling off its assets at a profit inuring to Clayton & Dubilier, Inc. Clayton & Dubilier, Inc. expressly and impliedly assumed the liabilities of Uniroyal, Inc. upon the purchase of all shares of common stock of Uniroyal, Inc.

Clayton & Dubilier, Inc. and Clayton Dubilier & Rice, Inc. as successor in interest have not otherwise provided for the satisfaction of contingent liabilities of Uniroyal, Inc. from the funds it derived upon the sale of Uniroyal, Inc.'s assets.

Defendant, Uniroyal, Inc., was liquidated in 1986.

12. Defendant, Clayton Dubilier & Rice, Inc., is a corporation duly organized and existing under the laws of the State of Delaware with its registered agent being in c/o The Corporation Trust Company 1209 Orange St. Wilmington, DE 19801.

13. Defendant American Standard Inc. is a Delaware Corporation with its principle place of business in New York and is doing business in the Commonwealth of Pennsylvania. It is the successor in interest to Westinghouse Air Brake Co., which sold asbestos-containing products such as, but not limited to, gaskets, brake shoes and brake linings. American Standard, Inc. or its other predecessor, Ideal, sold asbestos containing boilers and cement to which plaintiff was exposed.

14. Defendant H.B. Smith Company, Inc., sued in its corporate capacity with its main office at 47 Westfield Industrial Park Road, Westfield, MA 01085. Defendant, H.B. Smith Company, Inc. manufactured, produced and sold, among other products, asbestos containing rope, wick, insulating cement, furnace cement, fill

and millboard for use during installation of its boilers.

15. Defendant Weil McLain Company, A division of the Marley Company, a wholly owned subsidiary of United Dominion Industries, Inc., which is a corporation organized and existing under the laws of the State of Delaware with its principle place of business in Kansas which is doing business in the Commonwealth of Pennsylvania. At all times material hereto, Defendant Weil-McLain, manufactured, produced and sold, either directly or indirectly, in the geographical area in which the plaintiffs worked and/or to the employers of plaintiffs and/or to contractors on job sites on which plaintiffs worked, asbestos products.

16. Defendant, Cleaver-Brooks, Inc., is a Delaware corporation with a principle place of business located in Lebanon, Pennsylvania. At all times material hereto Cleaver-Brooks, Inc. sold boilers which were designed or intended to be insulated with asbestos. Because the boilers failed to contain adequate and sufficient warnings of the possible hazards of asbestos, they were defective and the conduct of the defendant in selling those products without such warnings was negligent. Since asbestos insulation on the boilers had to be removed, it was dangerous and warnings should have been given.

17. Defendant, Viacom, Inc. successor by merger to CBS Corporation, f/k/a Westinghouse Electric Corporation with its registered office at Gateway #6, 2<sup>nd</sup> Floor, 11 Stanwix Street, Pittsburgh, Pennsylvania 15222. Defendant Viacom, Inc. successor by merger to CBS Corporation f/k/a Westinghouse Electric Corporation manufactured various products, including but not limited to electrical products, gaskets, valves, packing, brakes, and machinery which either contained asbestos or required the installation of asbestos.

18. Defendant, Honeywell International Inc. f/ka/ Allied Signal, Inc., successor to Bendix Corporation, sued in its corporate capacity, and as a successor in interest to inter alia, Allied Corp. and Allied Signal, Inc. Defendant Allied Signal, Inc. is a Delaware based corporation with its principle place of business located at Columbia Road and Park Avenue, Morristown, NJ 07962. At all times material hereto, it or its predecessor(s) in interest manufactured and/or sold, among other products, asbestos containing brake shoes, linings, blocks and pads and other asbestos-containing brake related automotive products.

19. Defendant ABEX CORPORATION is a Delaware based corporation located at 485 Frontage Road Burr Bridge, Illinois 60521. At all times material hereto it or its predecessor(s) in interest

manufactured and/or sold, inter alia, among other products, asbestos containing brake shoes, linings, blocks and pads and other asbestos containing brake related automotive products.

20. Defendant B.F. Goodrich Company, sued in its corporate capacity, and as a successor in interest to inter alia, Goodrich B.F. Company and B.F. Goodrich with its registered office at c/o CT Corporation System, 1515 Market Street, Philadelphia, PA 19103 Defendant, B.F. Goodrich Company manufactured and/or sold, among other products, automotive brake products.

21. Borg Warner Corporation, is a corporation duly organized and existing under the laws of the State of Michigan with a principle place of business at 615 Griswold, Detroit Michigan with its registered agent at 1515 Market Street, Philadelphia, PA 19109. At all times material hereto, defendant Borg Warner Coporation, manufactured, produced and/or sold asbestos products, either directly or indirectly to the employers of the plaintiffs and/or its predecessors, asbestos products including, but not limited to, asbestos brake shoes, asbestos brake linings and other asbestos friction products.

22. Defendant Daimler Chrysler Corporation, f/k/a Chrysler Motors Corporation, f/k/a Chrysler Corporation is a Michigan based corporation with its main office located at 12000 Chrysler



Drive, Detroit, Michigan 48282. At all times material hereto it or its predecessor(s) in interest manufactured and/or sold, inter alia, among other products, asbestos containing brake shoes, linings, blocks and pads and other asbestos containing brake related automotive products.

23. Defendant Ford Motor Company is a Michigan based corporation with its main office located at the American Road, Dearborn, Michigan, 48121. At all times material hereto it or its predecessor(s) in interest manufactured and/or sold inter alia, among other products, asbestos containing brake shoes, linings, blocks and pads and other asbestos containing brake related automotive products.

24. Defendant General Motors Corporation is a Pennsylvania corporation with its registered agent at c/o CT Corporation System, 1515 Market Street, Philadelphia, PA 19103. At all times material hereto, it or its predecessor(s) in interest manufactured and/or sold, among other products, asbestos containing brakes, linings and motors for automotive installations.

25. This Complaint involves the claims of the following persons:

a. Plaintiff-Executor("Plaintiff"):

Name: Charles H. Hartmann

Address: 757 Beech Avenue, Glenolden, PA 19036

b. Decedent: Clarise A. Hartmann

Decedent's Social Security No. 166-28-2904

Decedent's Date of Birth: 08/24/35

Decedent's Date of Death: 11/24/01

26. Plaintiff is the spouse of Clarise A. Hartmann, hereinafter referred to as Plaintiff's decedent, and is the Executor of the Estate of Clarise A. Hartmann. Plaintiff was granted letters by the Register of Wills of Delaware County, Pennsylvania.

27. Plaintiff brings this action on behalf of himself and the following persons who are entitled to recover damages in this action.

<u>Name</u>	<u>Relationship to Decedent</u>	<u>Address</u>
Stephen C. Hartmann	Son	755 Beech Avenue Glenolden, PA 19036
Charles S. Hartmann	Son	36 Taber Road Sherman, CT 06784

28. Plaintiff's decedent did not bring an action against any of the defendants in this action for damages for the injuries causing Plaintiff's decedent's death.

29. No other action for the wrongful death of the decedent has been commenced against any of the defendants in this action.

30. The defendants are those companies listed in the caption.

31. Plaintiff was employed by various employers at various locations and at each location was exposed to the asbestos products of the defendants herein.

32. At all times from 1965 to the present plaintiff was a member of the Carpenters Local Union 845.

33. The aforementioned Local 845 maintains its principle place of business, and operates a hiring hall, at 1501 Spring Garden Street, Philadelphia, Pennsylvania.

34. Plaintiff, as a skilled building tradesman and member of Local 845 was assigned to job sites designated in the city of Philadelphia and surrounding counties.

35. At various times during the years from the 1950's to the present Plaintiff regularly did automotive repairs, including brake work through which plaintiff was exposed to the asbestos products of the defendants herein.

36. The air plaintiff breathed at these jobsites was contaminated with asbestos dust and fibers shed by asbestos products sold, manufactured or distributed by the defendant corporations and each of them during the period 1947 to 1989 while he was employed by the various employers averred in paragraph 31 above.

37. The work clothing plaintiff wore was contaminated with

manufactured or distributed by the defendant corporations during the entire period from 1947 to 1989 while he was employed by the various employers averred in paragraph 31 above.

38. As a result of living with Plaintiff and as a result of laundering his clothing, plaintiff's decedent came into contact with and inhaled the asbestos particles, dust and fibers carried on the person and/or clothing of Plaintiff and or brought into their residence.

39. Plaintiffs' decedent first learned of the injury which forms the basis for this claim on or about June 13, 2000.

40. Plaintiff's decedent was first diagnosed as having asbestos related lung cancer in June 13, 2000.

41. Plaintiffs' decedent died on November 24, 2001 as a direct result of her asbestos related lung cancer and the inhalation of the asbestos fibers manufactured and/or supplied by the defendants named herein.

42. Plaintiffs' decedent developed asbestos related lung cancer which was solely and proximately caused by her exposure to and use of the asbestos products which were manufactured, sold and or supplied by the above named defendant corporations.

43. A claim for lost wages is not asserted at this time.

WHEREFORE, Plaintiffs demand judgment against all defendants

WHEREFORE, Plaintiffs demand judgment against all defendants named in this Complaint, and each of them, in an amount in excess of fifty thousand dollars (\$50,000.00) for compensatory damages and in excess of fifty thousand dollars (\$50,000.00) for punitive damages, plus costs, attorney's fees and such further relief as may be appropriate.

COUNT XI: Premises Liability

44. Plaintiffs repeat, reiterate and reallege each and every allegation contained in paragraphs 1 through 43 with the same force and effect as if hereinafter set forth at length.

45. Defendant Atlantic Richfield Company is a Delaware corporation which regularly conducts business in the County of Philadelphia and in the Commonwealth of Pennsylvania with its principle place of business at 515 South Flower Street, Los Angeles, California. Defendant Atlantic Richfield Company did business under the name Atlantic Refining Company. At all times material hereto, upon information and belief, defendant Atlantic Richfield Company did own fully or partially, lease, manage, work upon and/or control the oil refinery located in Philadelphia, Pennsylvania, known at all times material hereto as the Atlantic Refinery and subsequently ARCO Refinery.

46. This count is brought by the Plaintiff solely against Defendant, Atlantic Richfield Company, (hereinafter referred to collectively as the "Premise Liability Defendant") and is brought in addition to the allegations contained in the Master Long Form complaint, which are incorporated herein by reference as though set forth in their complete text.

47. On numerous occasions and for substantial periods of time the Plaintiff was invited onto and lawfully entered upon property owned and controlled by the Premises Liability Defendant as a business invitee. The Plaintiff had been specifically requested to perform work and services for the benefit and aid of said Defendant on these occasions. At all such times, Plaintiff was employed by corporations other than the Premises Liability Defendant.

48. The Premise Liability Defendant, owed a duty to the Plaintiff to use due care to maintain the property free of unreasonably dangerous and defective conditions and to adequately warn the Plaintiff of existing dangerous and defective conditions on the premises.

49. While upon property owned and controlled by the Premises Liability Defendant as a business invitee, Plaintiff was exposed to, and breathed dust shed by, large quantities of asbestos-

containing products.

50. At all times complained of herein the Premises Liability Defendant knew or should have known large quantities of asbestos-containing products were present upon the premises.

51. At all times complained of herein the Premises Liability Defendant knew or should have known the asbestos-containing products released dangerous levels of airborne asbestos fibers during application, deterioration and removal.

52. At all times complained of herein the Premises Liability Defendant knew or should have known the plaintiff would necessarily work with, around, or in close proximity to these asbestos-containing products while they were being applied, removed or in the process of deteriorating and would inhale large quantities of asbestos fibers.

53. At all times complained of herein the Premises Liability Defendant knew or should have known the inhalation of asbestos fibers could cause pleural disease, asbestosis, lung carcinoma, malignant mesothelioma, carcinoma of the gastrointestinal tract, and other malignant and non-malignant diseases.

54. At all times complained of herein, the Premises Liability Defendant knew or should have known Plaintiff was unaware of the dangers associated with asbestos exposure, or the full magnitude

of that danger, and therefore was not capable of taking adequate measures to protect himself.

55. At all times complained of herein the Premises Liability Defendant failed to otherwise exercise control as owners of their property in a manner calculated to maintain their premises free of asbestos, an unnecessarily dangerous and defective condition, and thereby protect the health of their business invitees.

56. At all times complained of herein the Premises Liability Defendant failed to remove and contain the asbestos materials so as to render the premises safe.

57. At all times complained of herein the Premises Liability Defendant failed to cease and discontinue further installation of asbestos-containing products on their premises.

58. The Premises Liability Defendant knew or should have known of the conditions set forth in paragraphs 44 through 59 and at all times complained of herein were in a superior position to that of the Plaintiff to know the dangers of asbestos. The Premises Liability Defendant was negligent in its failure to warn the Plaintiff and other persons similarly situated of the dangerous and defective condition of the premises brought by the presence of asbestos.

59. The actions or omission of the Premises Liability Defendant



set forth in Paragraph 44 through 59 of this Complaint was the cause of or was a significant contributing factor in bringing about the physical injuries set forth in Paragraph 42 of this complaint and all damages suffered by the Plaintiff resulting from these physical injuries.

WHEREFORE, in addition to, or in the alternative to the relief requested in Counts I through X supra, Plaintiff demands judgement against Atlantic Richfield Company, jointly and severally as to themselves and each and every other defendant named in this Complaint in an amount of in excess of Fifty Thousand Dollars (\$50,000.00) for compensatory damages and Fifty Thousand Dollars (\$50,000.00) for punitive damages, plus costs, attorney's fees and such further relief as may be appropriate.

LAW OFFICE OF PETER G. ANGELOS, P.C.

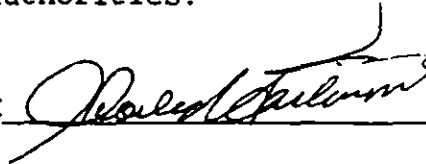
BY: 

Mark A. Kowit, ESQUIRE  
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The Wanamaker Building  
100 Penn Square East  
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Philadelphia, PA 19107  
(215) 963-9333

I verify that the statements made in this Complaint are true and correct to the best of my knowledge and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Dated \_\_\_\_\_

x

\_\_\_\_\_

## LAW OFFICES OF PETER G. ANGELOS, P.C.

Edward P. Monaghan, Esquire  
 Pa. S. Ct, I.D. No. 45775  
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 Philadelphia, PA 19107  
 (215) 963-9333

Charles H. Hartmann, Executor	*	IN THE COURT OF COMMON
of the Estate of Clarise A.	*	PLEAS OF PHILADELPHIA
Hartmann and in his own right	*	
757 Beech Avenue	*	COUNTY, PENNSYLVANIA
Glenolden, PA 19036	*	
	*	
	*	TERM,
	*	
Plaintiff	*	NO.
VS	*	
	*	COMPLAINT
AC&S, Inc., et al	*	PERSONAL INJURY
	*	
	*	CIVIL ACTION -
Defendants	*	ASBESTOS - 2090
	*	JURY TRIAL DEMANDED
	*	

\*\*\*\*\*

This is to certify that this is a true and correct copy of  
 the foregoing Complaint in the above captioned case.

LAW OFFICES OF PETER G. ANGELOS, P.C.

BY:



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